

EXHIBIT A

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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARY ANN SUSSEX, et al.,

Plaintiffs,

vs.

TURNBERRY/MGM GRAND TOWERS,
LLC, et al.,

Defendants.

Case No.: 2:08-cv-00773-MMD-PAL

**DECLARATION OF ALEX L. FUGAZZI
PURSUANT TO LR 7-5(d)(3) AND IN
SUPPORT OF TURNBERRY/MGM
TOWERS, LLC et al.'s MOTION TO STAY
ARBITRATION PENDING DISPOSITION
OF MOTION TO DISQUALIFY AND
REMOVE ARBITRATOR BRENDAN
HARE**

1 I, ALEX FUGAZZI, declare:

- 2 1. I am an attorney at the law firm of SNELL & WILMER L.L.P., attorneys for Defendants
3 Turnberry/MGM Grand Towers, LLC; MGM Grand Condominiums, LLC;
4 Turnberry/Harmon Ave., LLC; and Turnberry West Realty, Inc.(collectively "Turnberry/
5 MGM"). I have personal knowledge of the matters stated below and could testify
6 competently to them if called upon to do so.
- 7 2. I submit this affidavit pursuant to LR 7-5 and in support of Turnberry/MGM's Emergency
8 Motion to Stay Arbitration Pending Disposition of Motion to Disqualify and Remove
9 Arbitrator Brendan Hare ("Emergency Motion").
- 10 3. This nature of the emergency prompting this Emergency Motion is that the American
11 Arbitration Association, and Arbitrator Brendan Hare, have scheduled a hearing for
12 November 19, 2013 to resolve pending motions and to implement prior orders issued by
13 Arbitrator Hare.
- 14 4. Turnberry/MGM's September 11, 2013 Motion for an Order Declaring that Arbitrator
15 Brendan Hare is Disqualified for His Failure to Make Required Disclosures Under NRS
16 38.227 That Establish His Evident Partiality ("Motion to Disqualify") has been fully briefed
17 and is pending before the Court.
- 18 5. If the November 19, 2013 hearing before Arbitrator Hare is allowed to proceed, prior to the
19 Court ruling on the Motion to Disqualify, any rulings made by the Arbitrator may have to be
20 vacated, which impacts all the parties to this case, including the Plaintiffs currently before this
21 Court, some of whom already requested a new arbitrator for them.
- 22 6. The office address and telephone numbers of movant and all affected parties are as follows:

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24 Akke Levin, Esq.
25 Jean-Paul Hendricks, Esq.
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1	Condominiums, LLC; Turnberry/Harmon Ave., LLC; and Turnberry West Realty, Inc.	Condominiums, LLC; Turnberry/Harmon Ave., LLC; and Turnberry West Realty, Inc.
2		
3	Robert B. Gerard, Esq. Ricardo R. Ehmann, Esq. Gerard & Associates 2840 South Jones Boulevard Building D, Suite #4 Las Vegas, NV 89146 Telephone: (702) 251-0093 Facsimile: (702) 251-0094	Norman Blumenthal, Esq. Blumenthal, Nordrehaug & Bhowmik 2255 Calle Clara La Jolla, California 92037 Telephone: (858) 551-1223 Facsimile: (858) 555-1232 Attorneys for Plaintiffs
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8	Attorney for Plaintiffs	Attorney for Plaintiffs
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7. The undersigned certifies that, after personal consultation with Mr. Ehmann via telephone on November 6, 2013, and after sincere effort to do so, the movant has been unable to resolve the matter without court action.

8. Attached as Exhibit A to this Declaration is an email from Mr. Ehmann memorializing my conversation with him and our efforts to resolve this matter, and Mr. Ehmann's efforts to speak with his co-counsel.

Dated: November 7, 2013


ALEX L. FUGAZZI, ESQ.

18208484

EXHIBIT A TO
DECLARATION OF
ALEX L. FUGGAZI

Charlet, Candace

From: Ricardo Ehmann <rehmann@gerardlaw.com>
Sent: Wednesday, November 06, 2013 3:29 PM
To: Fugazzi, Alex
Subject: re Motion to Stay pending DQ Motion

Alex: I couldn't get a hold of Bob on the phone, as I said, he was on his way to an important appointment, but I did advise him and Norm Blumenthal via email of our conversation and that I told you I didn't see any scenario in which we would agree to a stay of the arbitration which means a motion from Mr. Morris would be necessary to achieve his desired result. If I receive an email from my superiors advising me that my inclination was incorrect, I will certainly let you know immediately, but at this point I think it's safe to say your side has fulfilled the obligation of reaching out to us before filing the motion to stay, because we will not agree to a stay. Always nice chatting with you and hope you have a nice day, -Rico.

Ricardo R. Ehmann, Esq.
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